

JEFFREY BOSSERT CLARK  
Acting Assistant Attorney General  
ALEXANDER K. HAAS  
Branch Director  
DIANE KELLEHER  
BRAD P. ROSENBERG  
Assistant Branch Directors  
M. ANDREW ZEE  
ALEXANDER V. SVERDLOV  
Trial Attorneys  
U.S. Department of Justice  
Civil Division - Federal Programs Branch  
1100 L Street, NW  
Washington, D.C. 20005  
Telephone: (202) 305-0550

*Attorneys for Defendants*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

NATIONAL URBAN LEAGUE, *et al.*,

Plaintiff,

v.

WILBUR L. ROSS, JR., *et al.*,

Defendants.

Case No. 5:20-cv-05799-LHK

**DECLARATION OF  
JAMES T. CHRISTY**

1 I, James T. Christy, make the following Declaration pursuant to 28 U.S.C. § 1746, and state  
2 that under penalty of perjury the following is true and correct to the best of my knowledge and  
3 belief:

- 4 1. This is my tenth declaration in this lawsuit. I am making this declaration in response to  
5 Court Order ECF 288.
- 6 2. On Friday, October 2, 2020, at 3:30pm Eastern time, Dale Kelly, Chief of Field  
7 Division, issued a Memorandum to All Staff in the Field Division via e-mail, which  
8 includes all staff in all Regional Offices. That memorandum states: “As a result of  
9 court orders, the October 5, 2020 target date is not operative, and data collection  
10 operations will continue through October 31, 2020. Employees should continue to  
11 work diligently and enumerate as many people as possible. Contact your supervisor  
12 with any questions. See attached for a copy of the Court’s orders.” Attached to the  
13 Memorandum were copies of ECF 208 and ECF 288. A copy of the Memorandum is  
14 included as Exhibit 1 to this declaration.
- 15 3. On Friday, October 2, I instructed staff to send a text message to all Decennial field  
16 staff (Enumerators and CFSs). This text message began to be transmitted to devices  
17 starting at 3:52pm Eastern time on October 2, 2020. That text message states: “As a  
18 result of court orders, the October 5, 2020 target date is not operative, and data  
19 collection operations will continue through October 31, 2020. Employees should  
20 continue to work diligently and enumerate as many people as possible. Contact your  
21 supervisor with any questions. For a copy of the court orders, check the Content  
22 Locker.” Court orders ECF 208 and ECF 288 were placed in the Content Locker, a  
23 shared folder which can be accessed by Decennial field staff on their government-  
24 provided device. Images showing the text message and the Court Orders on a Census-  
25 provided enumerator iPhone are included as Exhibit 2 to this declaration. The same  
26 text message will be transmitted again at 12:00am on October 3, 2020.

1 4. To ensure delivery to all Census staff, the Regional Directors forwarded Division Chief  
2 Kelly's email to their staff as well. Copies of those emails from each of the six  
3 Regional Directors are included as Exhibit 3 to this declaration  
4

5 I have read the foregoing and it is all true and correct.

6 DATED this \_2nd\_ day of October, 2020  
7  
8

9 \_\_\_\_\_  
James T. Christy

10 Assistant Director for Field Operations

11 United States Bureau of the Census  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# Exhibit 1

## IMPORTANT INFORMATION RELATED TO CENSUS BUREAU'S COMPLIANCE WITH FEDERAL COURT ORDERS

Dale C Kelly (CENSUS/FLD FED) <Dale.C.Kelly@census.gov>

Fri 10/2/2020 3:30 PM

 3 attachments (1 MB)

288 - Order re Clarification and Compliance.pdf; 208 - ORDER GRANTING PRELIMINARY INJUNCTION (1).pdf; Oct 2 - Memo From Dale Kelly.pdf;

### **Guidance for Census Bureau Employees**

A federal district court for the Northern District of California issued a Clarification of Stay and Preliminary Injunction in the case of the National Urban League v. Ross, No. 20-cv-05799.

As a result of court orders, the October 5, 2020 target date is not operative, and data collection operations will continue through October 31, 2020. Employees should continue to work diligently and enumerate as many people as possible. Contact your supervisor with any questions. See attached for a copy of the Court's orders.

DIST: FLD All Staff List

**Dale Kelly**, Chief

Field Division

U.S. Census Bureau

O: 301-763-6937 / M: PII

[census.gov](https://census.gov) | [@uscensusbureau](https://twitter.com/uscensusbureau)

**Shape your future. START HERE > [2020census.gov](https://2020census.gov)**



UNITED STATES DEPARTMENT OF COMMERCE  
U.S. Census Bureau  
Washington, DC 20233-0001

October 2, 2020

MEMORANDUM FOR All Decennial Staff

From: Dale Kelly  
Chief, Field Division

Subject: Update to 2020 Census Schedule

As a result of court orders, the October 5, 2020 target date is not operative, and data collection operations will continue through October 31, 2020. Employees should continue to work diligently and enumerate as many people as possible. Contact your supervisor with any questions. See attached for a copy of the Court's orders.



U.S. Department of Commerce  
U.S. CENSUS BUREAU  
[census.gov](https://www.census.gov)

## Exhibit 2

AT&T

4:13 PM

74%

< Messages (1)

1 of 1

MESSAGE DETAILS

Console Message

Oct 2, 2020

As a result of court orders, the October 5, 2020 target date is not operative, and data collection operations will continue through October 31, 2020. Employees should continue to work diligently and enumerate as many people as possible. Contact your supervisor with any questions. For a copy of the court orders, check the Content Locker.

ACTION

Delete

Mark as Unread

4:13

Friday, October 2



HUB

now

As a result of court orders, the October 5, 2020 target date is not operative, and data collection operations will continue through October 31, 2020. Employees should continue to work dili...



NRFU-P

**Press home to unlock**

IF LOST PLEASE CONTACT CENSUS AT 855-236-2020

AT&T

4:13 PM

74%

< This Device Messages (1)

Edit

All

Unread

Read

As a result of court orders, the October 5, 2020 target date is not operative, an... >

Oct 2, 2020 at 4:13 PM

### Alerts

You have 1 unread messages

Cancel

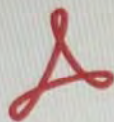
View

AT&T 4:14 PM 74%

Home

New

Recent



NEW

208 - ORDER GRANTING  
PRELIMINARY INJUNCTION...

PDF • 10/2/20 • 1.0 • 749.88 KB



NEW

288 - Order re Clarification and  
Compliance posted 20OCT20

PDF • 10/2/20 • 1.0 • 283.81 KB



NEW

Census-Opinion-on-PI

PDF • 9/29/20 • 1.0 • 785.14 KB



## Exhibit 3

**Fwd: IMPORTANT INFORMATION RELATED TO CENSUS BUREAU'S COMPLIANCE WITH  
FEDERAL COURT ORDERS**

George Grandy Jr(CENSUS/AT FED) <george.grandy.jr@2020census.gov>

Fri 10/2/2020 3:46 PM

To: ATRCC All Staff List (CENSUS/ OTHER) < PII @2020census.gov>; ATRCC All ACO Staff List  
< PII @2020census.gov>

Cc: Dale C Kelly (CENSUS/FLD FED) <Dale.C.Kelly@census.gov>; James T Christy (CENSUS/LA FED)  
<James.T.Christy@census.gov>

 6 attachments (1 MB)

288 - Order re Clarification and Compliance.pdf; ATT00001.htm; 208 - ORDER GRANTING PRELIMINARY INJUNCTION (1).pdf;  
ATT00002.htm; Oct 2 - Memo From Dale Kelly.pdf; ATT00003.htm;

Please see attached memo from Dale Kelly, Chief, Field Division

**Guidance for Census Bureau Employees**

A federal district court for the Northern District of California issued a Clarification of Stay and Preliminary Injunction in the case of the National Urban League v. Ross, No. 20-cv-05799.

As a result of court orders, the October 5, 2020 target date is not operative, and data collection operations will continue through October 31, 2020. Employees should continue to work diligently and enumerate as many people as possible. Contact your supervisor with any questions. See attached for a copy of the Court's orders.

DIST: FLD All Staff List

**Dale Kelly**, Chief

Field Division

U.S. Census Bureau

O: 301-763-6937 / M: PII

[census.gov](https://census.gov) | [@uscensusbureau](mailto:@uscensusbureau)

**Shape your future. START HERE > [2020census.gov](https://2020census.gov)**

**Fwd: IMPORTANT INFORMATION RELATED TO CENSUS BUREAU'S COMPLIANCE WITH FEDERAL COURT ORDERS**

Marilyn A Sanders (CENSUS/CG FED) <Marilyn.A.Sanders@2020census.gov>

Fri 10/2/2020 3:47 PM

 6 attachments (1 MB)

288 - Order re Clarification and Compliance.pdf; ATT00001.htm; 208 - ORDER GRANTING PRELIMINARY INJUNCTION (1).pdf; ATT00002.htm; Oct 2 - Memo From Dale Kelly.pdf; ATT00003.htm;

Please see attached memo from Dale Kelly, Chief  
Field Division

**Marilyn A. Sanders**

**Regional Director, Chicago**

Field Division

U.S. Census Bureau

o: 312-579-1502 m: PII

[census.gov](https://census.gov) | [@uscensusbureau](https://twitter.com/uscensusbureau)

**Shape your future. START HERE** > [2020census.gov](https://2020census.gov)

Begin forwarded message:

**From:** "Dale C Kelly (CENSUS/FLD FED)" <Dale.C.Kelly@census.gov>

**Date:** October 2, 2020 at 2:30:01 PM CDT

**Subject: IMPORTANT INFORMATION RELATED TO CENSUS BUREAU'S COMPLIANCE WITH FEDERAL COURT ORDERS**

**Guidance for Census Bureau Employees**

A federal district court for the Northern District of California issued a Clarification of Stay and Preliminary Injunction in the case of the National Urban League v. Ross, No. 20-cv-05799.

As a result of court orders, the October 5, 2020 target date is not operative, and data collection operations will continue through October 31, 2020. Employees should continue to work diligently and enumerate as many people as possible. Contact your supervisor with any questions. See attached for a copy of the Court's orders.

DIST: FLD All Staff List

**Dale Kelly, Chief**

Field Division

U.S. Census Bureau

O: 301-763-6937 / M: PII

[census.gov](https://census.gov) | [@uscensusbureau](https://twitter.com/uscensusbureau)

**Shape your future. START HERE > [2020census.gov](https://2020census.gov)**

**Fw: IMPORTANT INFORMATION RELATED TO CENSUS BUREAU'S COMPLIANCE WITH  
FEDERAL COURT ORDERS**

Cathy Lynn Lacy (CENSUS/DN FED) <cathy.lynn.lacy@2020census.gov>

Fri 10/2/2020 2:14 PM

Bcc: DARCC All ACO Staff List PII @2020census.gov>

📎 3 attachments (1 MB)

288 - Order re Clarification and Compliance.pdf; 208 - ORDER GRANTING PRELIMINARY INJUNCTION (1).pdf; Oct 2 - Memo From Dale Kelly.pdf;

Please see the attached memo from Dale Kelly, Chief, Field Division.

**Cathy L. Lacy**

Regional Director

Denver Regional Office and the Dallas Regional Census Center

U.S. Census Bureau

Office 720.962.3702

Cell PII

Fax 303.969.6777

Cathy.lynn.lacy@census.gov

[census.gov](https://census.gov)

Connect with us on [Social Media](#)

---

**From:** Dale C Kelly (CENSUS/FLD FED) <Dale.C.Kelly@census.gov>

**Sent:** Friday, October 2, 2020 1:29 PM

**Subject:** IMPORTANT INFORMATION RELATED TO CENSUS BUREAU'S COMPLIANCE WITH FEDERAL COURT ORDERS

**Guidance for Census Bureau Employees**

A federal district court for the Northern District of California issued a Clarificaon of Stay and Preliminary Injuncon in the case of the Naonal Urban League v . Ross, No. 20-cv-05799.

As a result of court orders, the October 5, 2020 target date is not operav e, and data collecon operaons will c onnue thr ough October 31, 2020. Employees should connue t o work diligently and enumerate as many people as possible. Contact your supervisor with any quesons. See a attached for a copy of the Court's orders.

DIST: FLD All Staff List

**Dale Kelly, Chief**

Field Division

U.S. Census Bureau

O: 301-763-6937 / M: PII

[census.gov](https://census.gov) | [@uscensusbureau](https://@uscensusbureau)

**Shape your future. START HERE > [2020census.gov](https://2020census.gov)**

**Fw: IMPORTANT INFORMATION RELATED TO CENSUS BUREAU'S COMPLIANCE WITH FEDERAL COURT ORDERS**

Julie A Lam (CENSUS/LA FED) <julie.a.lam@2020census.gov>

Fri 10/2/2020 4:03 PM

To: Julie A Lam (CENSUS/LA FED) <julie.a.lam@2020census.gov>

Cc: James T Christy (CENSUS/LA FED) <James.T.Christy@census.gov>; Dale C Kelly (CENSUS/FLD FED) <Dale.C.Kelly@census.gov>

3 attachments (1 MB)

288 - Order re Clarification and Compliance.pdf; 208 - ORDER GRANTING PRELIMINARY INJUNCTION (1).pdf; Oct 2 - Memo From Dale Kelly.pdf;

Please see the attached memo from Dale Kelly, Chief, Field Division.

Distribution list: LARCC ALL ACO STAFF LIST

**Julie A. Lam**, Regional Director

Los Angeles Region, U.S. Census Bureau

Office 818.267.1700 julie.a.lam@census.gov

[census.gov](https://www.census.gov) Connect with us on [Social Media](#)

---

**From:** Julie A Lam (CENSUS/LA FED) <julie.a.lam@2020census.gov>

**Sent:** Friday, October 2, 2020 12:34 PM

**To:** Julie A Lam (CENSUS/LA FED) <julie.a.lam@2020census.gov>

**Cc:** LARCC Area Managers List PII @2020census.gov>; LARCC ARCM List

< PII :@2020census.gov>; Dale C Kelly (CENSUS/FLD FED) <Dale.C.Kelly@census.gov>

**Subject:** Fw: IMPORTANT INFORMATION RELATED TO CENSUS BUREAU'S COMPLIANCE WITH FEDERAL COURT ORDERS

Please see the attached memo from Dale Kelly, Chief, Field Division.

Distribution list: LARCC ACOM LIST, LARCC LCFM LIST, LARCC RT LIST, LARCC CFM LIST, LARCC DFQM/QA LIST, LARCC ALL Staff List

**Julie A. Lam**, Regional Director

Los Angeles Region, U.S. Census Bureau

Office 818.267.1700 julie.a.lam@census.gov

[census.gov](https://www.census.gov) Connect with us on [Social Media](#)

---

**From:** Dale C Kelly (CENSUS/FLD FED) <Dale.C.Kelly@census.gov>

**Sent:** Friday, October 2, 2020 12:12 PM

**To:** James T Christy (CENSUS/LA FED) <James.T.Christy@census.gov>; Timothy P Olson (CENSUS/ADFO FED) <Timothy.P.Olson@census.gov>

**Subject:** IMPORTANT INFORMATION RELATED TO CENSUS BUREAU'S COMPLIANCE WITH FEDERAL COURT ORDERS

**Guidance for Census Bureau Employees**

A federal district court for the Northern District of California issued a Clarification of Stay and Preliminary Injunction in the case of the National Urban League v. Ross, No. 20-cv-05799.

As a result of court orders, the October 5, 2020 target date is not operative, and data collection operations will continue through October 31, 2020. Employees should continue to work diligently and enumerate as many people as possible. Contact your supervisor with any questions. See attached for a copy of the Court's orders.

DIST: All Regional Directors, Deputy Regional Directors, Assistant Regional Directors, Assistant Regional Census Managers, Area Managers, Coordinators, Assistant Division Chiefs

**Dale Kelly, Chief**

Field Division

U.S. Census Bureau

O: 301-763-6937 / M: PII

[census.gov](https://census.gov) | [@uscensusbureau](https://twitter.com/uscensusbureau)

**Shape your future. START HERE > [2020census.gov](https://2020census.gov)**

## **Fw: IMPORTANT INFORMATION RELATED TO CENSUS BUREAU'S COMPLIANCE WITH FEDERAL COURT ORDERS**

Jeff T Behler (CENSUS/NY FED) <jeff.t.behler@2020census.gov>

Fri 10/2/2020 4:02 PM

Bcc: NYRCC All Staff List <PII @2020census.gov>; NYRO All Staff List (CENSUS/ OTHER)  
PII @census.gov>; NYRO All Field Staff PII @census.gov>; NYRCC All ACO Mgmt List  
PII @2020census.gov>; NYRCC All ACO Staff List <PII @2020census.gov>

📎 3 attachments (1 MB)

288 - Order re Clarification and Compliance.pdf; 208 - ORDER GRANTING PRELIMINARY INJUNCTION (1).pdf; Oct 2 - Memo From Dale Kelly.pdf;

**To: NYRCC All Staff List, NYRO All Staff List, NYRO All Field Staff, NYRCC All ACO Mgmt List, NYRCC All ACO Staff List**

Please see the attached memo from Dale Kelly, Chief, Field Division.

---

**Jeff T. Behler**, Regional Director

New York Region

U.S. Census Bureau

O: 212-882-2101 | M: PII

[census.gov](https://census.gov) | [@uscensusbureau](https://twitter.com/uscensusbureau)

Shape your future. **START HERE** > [2020census.gov](https://2020census.gov)

---

**From:** Dale C Kelly (CENSUS/FLD FED) <Dale.C.Kelly@census.gov>

**Sent:** Friday, October 2, 2020 3:29 PM

**Subject:** IMPORTANT INFORMATION RELATED TO CENSUS BUREAU'S COMPLIANCE WITH FEDERAL COURT ORDERS

### **Guidance for Census Bureau Employees**

A federal district court for the Northern District of California issued a Clarificaon of St ay and Preliminary Injuncon in the c ase of the Naonal Urban League v . Ross, No. 20-cv-05799.

As a result of court orders, the October 5, 2020 target date is not operav e, and data collecon operaons will c onnue thr ough October 31, 2020. Employees should connue t o work diligently and enumerate as many people as possible. Contact your supervisor with any quesons. See a attached for a copy of the Court's orders.

DIST: FLD All Staff List

**Dale Kelly**, Chief

Field Division

U.S. Census Bureau

O: 301-763-6937 / M: PII

[census.gov](https://census.gov) | [@uscensusbureau](https://twitter.com/uscensusbureau)

Shape your future. **START HERE** > [2020census.gov](https://2020census.gov)



## Fw: Important Information Related To "Census Bureau's Compliance" With The Federal Court Orders

Fernando E Armstrong (CENSUS/PH FED) <fernando.e.armstrong@2020census.gov>

Fri 10/2/2020 4:35 PM

To: James T Christy (CENSUS/LA FED) <James.T.Christy@census.gov>

 3 attachments (1 MB)

288 - Order re Clarification and Compliance.pdf; Oct 2 - Memo From Dale Kelly.pdf; 208 - ORDER GRANTING PRELIMINARY INJUNCTION (1).pdf;

FYI

---

**From:** Michelle E Archer (CENSUS/PH FED) <michelle.e.archer@2020census.gov>

**Sent:** Friday, October 2, 2020 4:18 PM

**To:** PHRCC All ACO Staff List < PII @2020census.gov>

**Cc:** PHRCC All ACO Mgmt List < PII @2020census.gov>; PHRCC All Staff List (CENSUS/ OTHER) < PII @2020census.gov>

**Subject:** Important Information Related To "Census Bureau's Compliance" With The Federal Court Orders

**Attention: FLD All ACO Staff List**

**Date Issued: Friday, October 2, 2020 Management Services Branch**

### **[Guidance For Census Bureau Employees](#)**

A federal district court for the Northern District of California issued a Clarification of Stay and Preliminary Injunction in the case of the National Urban League v. Ross, No. 20-cv-05799. As a result of court orders, the October 5, 2020 target date is not operative, and data collection operations will continue through **October 31, 2020**.

**Employees should continue to work diligently and enumerate as many people as possible.**

Contact your supervisor with any questions. See attached for a copy of the Court's orders and a message from Dale Kelly, Chief, Field Division.

Thank you,

Michelle Archer

**Michelle Archer**, Assistant Regional Census Manager

Philadelphia Regional Census Center

U.S. Census Bureau

O: 267-780-2271 | M: PII

[census.gov](https://census.gov) | [@uscensusbureau](mailto:@uscensusbureau)

**Shape your future. START HERE > [2020census.gov](https://2020census.gov)**

